IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1021/2005

The Executive Officer, Municipal Board, Rajgarh
Vs
The Officer appointed under the Minimum Wages Act, Rajgarh and Anr.

Date of Order : 18/05/2007

PRESENT
HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Dilip Mulchandani for the petitioner.

Mr. Pritam Solanki for the respondent.

BY THE COURT:-

By the instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the order Annex.1 dated 24.5.2002 passed by the Authority under the Minimum Wages Act, 1948, Churu (for short 'the Authority' hereinafter).

I have heard learned counsel for the parties.

Learned counsel appearing for the respondent submits that in compliance of the order Annex.1, the petitioner has also made payment to the respondent as awarded by the Authority.

It is contended by learned counsel for the petitioner that the period of limitation for filing an application under the Minimum Wage Act is six months and the claim was made beyond the period of six months. It has further been conended that the authority fell in error in condoning the delay.

Learned counsel appearing for the respondent submits that though the claim was made beyond the period of limitation, but an application supported by affidavit of the respondent was filed seeking condonation of delay. The authority after having satisfied with the reasons explained in the application seeking codonation of delay, condoned the delay. Proviso to Section 20 (2) of the Act provides that if the authority is satisfied that the workman was prevented from making the claim within six months, then the delay in filing the claim can be condoned and thus, the authority has rightly condoned the delay.

It appears from the order impugned that despite several opportunities, no reply to the application was filed by the petitioner. Even on several occasions, the petitioner remained ex-parte and on the application, the ex-parte order was set aside. Again the petitioner remained ex-parte and ultimately the ex-parte order has been passed against the petitioner. The conduct of the petitioner goes to show that despite several

opportunities, the petitioner failed to contest the claim before the Authority. In the circumstances, therefore, in my view, the conclusion arrived at by the Authority cannot be said to be erroneous.

The writ petition is devoid of any merit and therefore, it is dismissed. Stay petition also stands dismissed. No order as to costs.

(H.R.PANWAR),J.

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